P.F. 27 of 96

G. R. S. IX-5]

Previous references.

L.A. 32 of 87
L.A. 41 of 79
L.A. 42 of 79

Later references.

1895-1896

192

(L.R.)

File No. 132-95

Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Major ~~Part~~ B for December 1896.

SUBJECT.

Appeal of Bhagavata Subba Krishnakas of Mysore regarding the remission of arrears due to Government on account of his Kayum-gutta Village

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WD 2233—GPB—20,000—14-6-20

RD

counter [illegible]

Indexed

PSB

Stamp Sufficient.
Sale is fixed for 20th Instt
Subd. Pendens.
L.R. 132-9521

14/8/95 Submitted to the 2nd Councillor. I beg to suggest that the sale be stayed & a report called for.
14/8/95
Or Petr may be ordered to pay under protest & must get the sale stopped.

Rec'd 14/8. Subbakrishnaraos prays in his Pet. Rec'd 27 & 12-7-95 further remission of Khabsat Charged on his Sarvanayam Lands at Byadara hatti & that the Sale (as notified by the Amr) may be stayed pending disposal of his Petn.
14/8.

All right stay this sale for the present & call for report
[illegible]
15/8/95
[illegible]
16/8/95

Gen. Serial No. 32.]

189

(12)

No. 736

Name of Petitioner: Subbakrishnaraos

Village.

Taluk. } Mysore

District.

Date of Arr. 14-8-95

Date of Receipt. 14-8-95

Date of Disposal.

No. of Enclosures.

ABSTRACT.

States that Kayengutta Sub-mamapura was under the Govt management during which time the Chaubag of the village used to collect revenue and pay for the Govt dues. The Petr could not ascertain what portion of the revenue was collected and what remains due and as also what amount was paid to Govt.
That the Amildar issued no. on 2 or 3 occasions but they do not agree each other as to the amount payable

by him.

Prays that he may be informed that ~~the~~ what amount of annual rent is payable to Govt. and as also amount of arrears due, and request that the sale advertized may be stopped.

R
14/8/95

Mr Subba Krishnapu
14-8-95
K Sivaramayya

3 (12)

To
2 Rs Sampled

Enc: 1
5075
7-12-96

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG. No. 736 R
DATE 14/8/95

P. N. Krishna Moorty Esqr
Revenue Councillor to the Govt of
Mysore

Petition No of 1895.

Petitioner:- Bhagavatha Subba Krishna
Rao Son of Bhagavatha
Subramanyapah, Mysore.

The petitioner begs to state as follows:—

That Khayemgutta Subramanya Pura has been advertised for sale on the 20th of August for arrears of Kandayem Rs 706-7-2 the assessment due for the years up to date.

2 That up to the year 1886 the petitioner and his predecessors were enjoying the Gutha and paying the usual Government dues. But in the year 1886 at the settlement of Inam the petitioner's title as the Kayemguttadar of the village was questioned by the Inam Superintendent whose decision was adverse to the petitioner.

3 That the Inam was thereafter virtually taken under the management of Govt. The Shanbogue collected the revenues and paid the same to Government. He submitted his accounts directly to Govt. The petitioner's right was denied and the ryots refused to pay him the Kandayem.

4 That under these circumstances the petitioner preferred an appeal to the

Dewan in the year who on enquiry held him to be a kayemguttadar of the village with defective title having been in enjoyment on a fixed rent since 1888 and confirmed as kayemgutta with the addition of half of it. net value and any water rate."

5 That although this decision was passed so long back as 1888, the management of the village was not given over to the petitioner. The Shanboque collected the revenue from the ryots and paid them to Government. The Inam Patta was not sent to him. He has not received for the last seven years a single pie from the village of which he is recognized as the Guttadar. During all these years the revenue of the village has been collected by the Govt. Shanboque and paid by him to the Govt. Treasury. The Kayem-Guttadar could not ascertain what portion of the revenue of the village had been collected and what remains due as also what amount had been paid to the Govt.

The Amildar of the Illypore Taluk issued notices to him on 2 or 3 occasions not one of them agree with the other as to the amount payable by him every year to the Government. The proceedings of the Dewan issued on this matter does not specify the exact amount payable as Kayem-Guttadar.

Under these circumstances, it is very difficult to know upon what calculations the petitioner's Kayemgutta land is advertized for sale for Rs 706-7-2.

If proper calculations are made the petitioner submits that no amount will be found due by the petitioner to the Govt.

Applications have been made on many occasions to the Deputy Commissioner and to the Taluk Amilar on this matter but no reply has yet been given to any of his applications.

The petitioner, therefore, prays that an order may be made as to the amount of the annual rent which he has to pay to the Government and also that the arrears which may have accrued due (if any) up to date may be remitted under the hard circumstances of the case. He further prays that till the disposal of this application the sale advertized for may be stopped.

14th August 1895 B. Subbakrishna Rao

20-85932
16-8-95

Pet
338

MYSORE DEWAN'S OFFICE.

(13)

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

I.R. 132-95-2

The accompanying Petition No. 736 dated 14th August '95 received at the Dewan's Office from Bhagavatha Subbakrishna Row of Mysore praying that orders may be passed regarding the amount of rent he has to pay + annually to Govt on account of Kayemgutta Subramanyapura in the Mysore Tal that the arrears of revenue, if any, due thereon up to date may be remitted and that the sale of the said village may be stayed pending disposal of his case by Govt is forwarded, together with its one enclosure, to the Deputy Commr of Mysore District for submission of a report

2 The Deputy Commr is requested to stay the sale for the present.

3 The petition and its Enclosure should be returned.

By order,

HBh
16/8

Revenue Secretary.

(Draft 2d Councillor's order)

BANGALORE,
16th Augt 1895

HBh

7

Note

Please see 2d Councillors order dated 15-8-95 on Petn No. 736. J.R. 132-95-3

also Govt. order Camp No. 1271-72 dated 25-9-88 (Paper serial No. 8 in the file). approving of the village Subramanyapura being treated as a de facto Kayam-guttu village and confirmed with the addition of half its net value and any water rate legally chargeable.

The Petnr contends that after the Inam settlement of 1886, when the tenure was questioned, the village was virtually taken under Govt. management & continued to be so even after the Govt. decision of 88, the Shanbhog collecting the Govt dues & paying them directly to Govt.

The Amildar reports that the village continued to be in the possession of the Kayam guttadar; that no orders were received to take it under Govt. management & that the Shanbhog did the collection work on behalf of the Guttadar (Repts Nos: 768 & 299 of 13.3.96 & 17.9.96 respectively - See Papers Nos: 5/2 & 5/3).

Submitted for orders
N/8/11/96.

Rd 7 Pm
18/11

REVENUE DEPARTMENT
1896 No. 7257
Pet 209
5 OCT. 96
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 1st
Despatched
Received
October 1896

Enclosures No. Petition No. 736 with its 1st and Canarese papers

No. 672

Reporting on the petition of Bhagavat Subba Krishna Rao of Mysore.

Petition Branch
5/10

Reference [illegible]
9/10

Reference [illegible]
9-10-96

Submitted
[illegible]
7/10/96
[illegible]
9/10
[illegible]

Under the peculiar circumstances of this case I would submit that an enquiry should be made regarding the arrears if any due from the cultivating Rayats on account of those years. Also the Rayats of the village must be urged to collect their arrears and pay them in to the satisfaction of the Jodi due to Govt. This procedure does not, however, relieve the Kayempoolladar the Pet from his liability to pay the arrears in full. The Dy Collr's report does not show whether the [illegible] lands in the village are under the occupancy of Rayats and whether they were treated directly as Govt Rayats before the Govt confirmed the village as Jodi in 1888. Meanwhile arrears due for the years 1893-94 & 1894-95 and having regard to the interval between the decision of Govt & these years it may not be wrong to presume that the village was managed as Jodi during this time by the Jodedar being the Pet's father. It will therefore be in the interest of the Pet to pay off balance due to Govt and make his own arrangement for the collection of his arrears from the Rayats.

22/11/96

9

(19)

No. 672.
Ex. Petition
No. 736 with
its 15n. and
Canarese papers

Deputy Commissioner's Office,
Mysore District
Dated Mysore 1st October 1896

To

The Secretary to the Government of Mysore
Revenue and General Departments

Sir,

With reference to your official memorandum No. Pet/338 dated the 10th August 1895 (and reminders as per margin) forwarding for report the petition of Bhagavat Subba Krishna Rao of Mysore praying for remission of the arrears due to Government on account of the Kayemgutta village of Subramanyapura belonging to him in the Mysore taluk, and for an order fixing the rent payable by him therefor &c., I beg to state as follows:-

No. Pet/224 dated 4/8. 8. 96.
— Pet/410 — " — 7/8. 9. 96.
— Pet/441 — " — 14. 9. 96.
— Pet/520 — " — 26. 9. 96.

(8)

2. In Government order camp No. 1272-72 dated the 25th September 1888, the above village was confirmed to the petitioner's father Subramaniya as Kayemgutta with the addition of one half of the former gutta amount to the sum payable by the guttadar. It was communicated to the Amildar of the Mysore taluk in October 1888. Till the date of this order the gutta amount of the

Its not Balasa bargs water [illegible]

village as recorded in the accounts was Rs. 183-1-7.
But in the revised register issued by the Inam Superintendent subsequent to the date of the above order, the gutta amount inclusive of the said addition was fixed at Rs. 278 per annum
This amount together with the water rate legally chargeable and local and irrigation cesses

Rupees - 278 - " - "	Gutta including quit rent.	amounting in all to Rs. 323-11-6. as per details in the margin is the sum annually payable by the petitioner.
6 - 10 - 9	Water rate	
17 - 12 - 9	Local cess	
21 - 4 - "	Irrigation cess.	
323 - 11 - 6		

The amounts due for 1893-94 and 1894-95 together with the arrears of previous years making a

Rupees - 109 - 6 - "	Arrears due to end of 1892-93.	total sum of Rupees 692-6-2 not having been paid by the petitioner,
323 - 11 - 6	Do. for 1893-94.	
323 - 11 - 6	Do. for 1894-95.	
1 - 4 - "	Process fees	
31 - 14 - "	Interest on arrears up to 20th August 1895.	
789 - 15 - "	Total	
97 - 8 - 10	Deduct amount recovered.	
692 - 6 - 2.		

or by the Shanbhog as before, the village was advertized for sale on the 20th August 1895, but the sale was postponed sinedie as directed in para 2 of the memorandum

memorandum under reply.

5. With regard to the petitioner's allegation in para 5 of his petition, that the Shanbhog of the village has been collecting the rents and paying them to the taluk treasury direct without reference to the petitioner, even subsequent to the date of the Government order confirming the said village as Kayemgatta to him, the record received from the Collector goes to show that the Shanbhog was so collecting the rents from the ryots only at his (petitioner's) direction and that he (the Shanbhog) was at no time told by the petitioner not to do so. It further shows that so far back as March 1899 the petitioner's father had been asked in writing by the Collector to pay up the arrears then due and to instruct the Shanbhog to collect the rent due from his ryots. There is no paper on record to show that the village was ever under Government management as stated by the petitioner. On the other hand, it can be seen from the papers that the Shanbhog of the village was collecting the rents and paying the Government dues therefrom, only on behalf of the pattadar, and that he failed to do so latterly because the ryots would not pay the rents readily to him. This led to the Government

dues from the village falling into arrear. The above are the facts of the case.

4. The petition received with the memorandum under reference and the vernacular correspondence relating thereto are herewith submitted.

I have the honor to be,

Sir,

Your most obedt. servant,

[illegible]

Deputy Commissioner
of the Mysore District.

Compd.
[illegible]

834.

13

Proceedings of the Govt of Mysore

(20)

L.R. 132-95-4

Read:-

Petition No. 736 of 14th August 189 from Bhagavata Subbakrishna Row of Mysore, praying for remission of the arrears due to Govt on account of his Kayam Gutta village of Subramanya-pura in the Mysore Taluk and for an order fixing the annual rent payable by him therefor

Letter No 672 dated 1st October 1896 from the Dy Commnr Mysore Distt reporting on the above petition and submitting the records connected with the case.

Order No 5040 / P.7.27-96 / 2.12.96

In Govt Order, Camp No 1271-72 dated 25th Septr 1888, the above named village was confirmed to the petitioner's father Subramania as Kayamgutta with the addition of half its net value and any water rate legally chargeable. Accordingly, the former Gutta amount of Rs 183-1-7 was revised and fixed at Rs 278. This amount together with

the water rate and local and irrigation cesses amounted to Rs 323-11-6 per annum. Up to the end of 1892-93 there was an arrear of Rs 109/6/ and the Gutta amount for 1893-94 and 1894-5 was not paid. With a view to realise the arrears with interest and Process Fees, the village was advertised for sale. On this the petitioner appealed to Govt. contending that after the Inam Settlement of 1886, when the tenure was questioned, the village was virtually taken under Govt. management and continued to be so even after the Govt decision of 1888, the Shanbhog collecting the Govt dues and paying them directly to Govt. The Deputy Commr reports that there is nothing on record to show that the village was ever under Govt management, whereas on the other hand, it can be seen from the papers submitted by the Amildar that the Shanbhog of the village was collecting the rents and paying the Govt dues therefrom, only

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on behalf of the Guttadar and that he failed to do so latterly because the ryots would not pay the rents readily. Thus the Govt dues have fallen into arrears.

2. Under the peculiar circumstances of this case, it seems that an enquiry should be made regarding the arrears, if any, due from the cultivating ryots on account of these years. If so, the Shanbhoy of the village must be urged to collect these arrears and pay them in satisfaction of the gutta due to Govt. This proceeding does not, however, relieve the Kayamguttadar-Petitioner from his liability to pay the arrears in full. The Dy. Commr's report does not show clearly whether the lands in the village are under the occupancy of the ryots and whether they were treated directly as Govt ryots before the Government confirmed the village as Kayamgutta in 1888. The arrears due

mark of approval

mainly for the years 1893-94 and 1894-95, and having regard to the interval between the decision of Govt and these years it may not be wrong to presume that the village was managed as Kayamgutta during this time by the Kayam Guttadar himself, namely the petitioner's father. It will therefore be in the interest of the petitioner to pay up the balance due to Govt and make his own arrangement for the collection of arrears from his ryots.

Redraft

2-12-96

Secretary

1/12/96

To

The Deputy Commr Mysore

Distt with records

compd

1/12

17

[illegible] 736 [illegible] P. [illegible] 7-12-96

(21)

[illegible]

Lat. Ref.
Sec. L.R. 34-02. Sl. 46

L.R. 132-95-5

[illegible]

[illegible] 14-8-95 [illegible]

[illegible]

[illegible] 1888 [illegible]

[illegible] 1-7 [illegible]

[illegible] 323-11-6 [illegible] 1892-93 [illegible]

[illegible] 10.9 [illegible] 1895-96 [illegible]

19 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

S.O.

Redrafe.

11/12/96

for Secy.